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LEGISLATIVE NOTES AND REVIEWS¹

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Legislative Investigations: The making of laws on the basis of careful investigation of the conditions to be met and the remedies to be applied is being accomplished more and more each year by the authorization of special commissions to work between sessions and report their conclusions together usually with drafts of bills to be presented to the legislature, or by directing some administrative official or board to make such investigations and report.

The complexity of legislation and the rush of work which swamps a legislature renders some relief of this kind necessary. The States of Massachusetts and New York have long employed this method with great success and other States have rapidly copied the plan, particularly Wisconsin, where in recent years some of the most constructive legislation of these times has been the outcome of such investigations.

During 1913 more than a score of States have authorized investigations and fully seventy-five distinct subjects are now under inquiry in from one to a half dozen States.

The subject of agricultural credit is being reported on by a special commission in Ohio in connection with the federal commission. The same subject is being reported by state delegates from several different States. New York is revising its banking laws by a special commission. Indiana will have a report on "Blue Sky Laws;" Massachusetts, on the "Conditions and Education of the Blind;" Pennsylvania, on "Building Codes;" Ohio, on "The Feasibility of Leasing its Canals;" Illinois, and New Hampshire, on "Dependent and Neglected Children;" Penn-

¹ The aim of this Department of the REVIEW will hereafter be to furnish notes of legislation of special significance to political scientists, and annual reviews of legislation of a distinctively political science character. Such subjects as constitutional amendments, nomination and election of public officers, legislative processes including direct legislation, executive and administrative changes, judicial reform, and the relation of state to local government and to the federal government, will be emphasized.

sylvania, on "Civil Service Laws;" Ohio, on "Coal Screening;" Nebraska, on "Conservation," by a Permanent Commission; Connecticut, on "Convict Labor;" Pennsylvania, on "Dependency;" Delaware, on "Drainage;" Massachusetts, on "Drunkenness;" Vermont, Indiana and Tennessee, on "Employers and Workmen's Compensation;" New York, on "Factory Conditions;" Ohio and North Carolina, on "Fire Insurance;" Ohio, North Carolina, Illinois, Pennsylvania and Wisconsin, on "Fire Insurance Rates and Practices;" Ohio, on "Floods and Flood Prevention;" Pennsylvania, on "Cold Storage and the Preservation of Food Products;" Oregon and Massachusetts, on "Taxation of Forest Lands;" Massachusetts, California and New Jersey, on the "Conditions of Immigrants;" California, on "Industrial Welfare;" Massachusetts, on "Prevention and Care of Insanity," to be made by the State Board of Insanity; Ohio, Delaware and Georgia, on "Judicial Procedure;" California, on "Juvenile Courts;" Pennsylvania, on "Land Titles;" Nebraska, on "Legislative Reform;" Maine, on "Marketing and Purchasing of Farm Supplies;" Massachusetts, on "Marriage Restrictions;" Michigan and Wisconsin, on the "Minimum Wage," the latter under the Industrial Commission; Illinois, on "Mining;" Massachusetts and New York, on "Mothers' Pensions;" New Jersey, on "Municipal Administration;" Massachusetts and Ohio, on "Municipal Finance;" Ohio, on "Occupational Diseases;" California and Wisconsin, on "Old Age Pensions," the latter under the Industrial Commission; California, on "Education of Orphans;" Massachusetts, on "Civil Service Pensions;" Illinois and Massachusetts, on "White Slave Traffic;" New England States, on "Railroad Development;" California, on "Recreation," including recreation in rural communities; Ohio and California, on "Highways;" California and Maryland, on "Rural Life;" Minnesota, Nebraska, Ohio, on the "Public School System;" New York, Georgia, North Carolina, on "Textbooks;" Iowa, South Dakota, Illinois, Oklahoma, Minnesota, on the "Organization of State Government and its Efficiency;" Massachusetts and Connecticut, on "Purchasing State Supplies;" Massachusetts, "Street Railway System of Boston;" Nebraska, New York, Oregon, on "Taxation;" Massachusetts and Vermont, on "Tuberculosis;" Illinois, on "Unemployment;" Massachusetts, on "Vagrancy;" Illinois, on "Fraud in Purchasing Voting Machines;" Massachusetts, on "Water Conservation;" Nebraska and Vermont, on "Conservation of Water Power;" Indiana, Massachusetts, on "Labor of Women."

A few of these reports have already been made to the legislatures now in session. The rest will be made to the sessions which convene in January, 1915.

Changes in Legislative Procedure in 1913: Rules never assure their own enforcement either in statutes or parliamentary law. In the latter this is especially true, often the actual practice may represent a standard of action almost the exact opposite of that commanded, constitutional provisions regulating procedure are often flagrantly disregarded—witness the disobedience of the rules as to the readings of bills in many States—rules adopted by joint resolution receive even less consideration, and in some States procedure is for all or part of the session thrown to the winds and the actual control surrendered into the hands of the speaker or the measures are passed under a rough and ready “unanimous consent” system.¹ As a result of the ability and willingness to change the rule for individual cases the written parliamentary law is much more static than actual practice.

Changes in procedure therefore though they represent attempts to escape from the disadvantages of the old rules do not measure the extent of the actual modification which has occurred; the latter can be estimated only by one familiar with the public sentiment back of the new rules and by actual practice under them.

Constitutional Provisions Affecting Legislation. 1. Far the most interesting legislative expedient tried in the past year is found in California where the “split session” amendment adopted by the people October 10, 1911, was first put into operation. The new constitutional rule provides² that excepting extraordinary sessions, the meetings of the legislature shall be biennial. The legislature shall meet on the first Monday in January and remain in session for not more than thirty days. Then a recess must be taken for not less than thirty days. On reassembling only those bills already introduced are to be considered

¹ Hon. M. D. Hull of the senate of Illinois reports: “In my first session we had a so-called ‘steering committee’ of the dominant party which was supposed to have something to say with regard to what bills should be taken up on the house calendar. Really however the speaker was the whole thing and while the house had by its rules an order of business, the rules were never followed but all business was done by ‘unanimous consent’ or suspension of the rules in accordance with a pencil calendar made up by the speaker from day to day.”—Letter December 16, 1910.

² Statutes and amendments to the codes, California 1913, Constitution of California, p. 20, art. iv, sec. 2.